

H.R.7124: The LIMIT Act

Limitations on the Insurrection Act including Mechanisms for Invoking its Termination Act

Over the past days, we have seen a troubling use of federal law enforcement and the armed forces in response to the civil unrest in our nation. Most alarming is the statement by President Trump that the Insurrection Act of 1807 ([10 U.S.C. §§ 251–255](#)) could potentially be used to deploy active duty military on American streets. There is a clear need to prevent abuse of this authority and increase oversight on its use.

Unlike other emergency powers, when the President considers it necessary to use the National Guard or the active or reserve military under this law, the President is only required to issue a proclamation that “immediately order[s] the insurgents to disperse and retire peaceably to their abodes within a limited time.” However, the Insurrection Act currently provides no congressional recourse to check this authority.

It is important to recognize that portions of this same authority were appropriately and necessarily “enacted to implement the Fourteenth Amendment guarantee for equal protection,” and have been notably utilized by past Presidents, to advance civil rights in the United States, against the intentions of a state Governors who sought to restrict these civil rights:¹

- By President Grant in 1871, in the suppression of the Ku Klux Klan in South Carolina during reconstruction.
- By President Eisenhower in 1957, to enforce a court order permitting the Little Rock Nine to attend a previously white high school that was desegregated by *Brown v. Board of Education of Topeka, Kansas*.
- By President Kennedy in 1962, to allow James H. Meredith, a black student and Air Force veteran, to register at the University of Mississippi at Oxford, followed by two more uses in 1963.
- By President Johnson in 1965, to deploy troops, both regular Army and federalized National Guard, to Alabama to protect civil rights marchers as they made their way from Selma to Montgomery.

The LIMIT Act balances the need to increase the oversight available to Congress to prevent executive overreach, while recognizing the historical impact of these authorities. As such, The LIMIT ACT amends the Insurrection Act to require a declaration of a national emergency under the National Emergencies Act ([50 U.S.C. §§ 1601–1651](#)). If enacted into law, any future use of the Insurrection Act would:

- Require notification to Congress of any use of the Insurrection Act.
- Provide by a joint resolution a process for terminating an invocation of the Insurrection Act, to include privileged procedures for consideration in both the House and the Senate.
- Prohibit the use of the authorities under the Insurrection Act until the President specifies the provisions of law under which the President or other officers will act.
- Ensure accountability of the actions of the President under the Insurrection Act by requiring the President and each Executive agency to maintain and promptly transmit to Congress a file and index of all significant orders, proclamations, rules, and regulations.
- Require the President to report to Congress all expenditures attributable to use of the authority.

¹ <https://crsreports.congress.gov/product/pdf/R/R42659>